

AFFIDAVIT OF NONDEVELOPMENT AND NONPAYMENT OF RENTALSThe State of West Virginia,County of Marshall,Stephen J. Berardi, Jr., of lawful age, being first duly sworn, upon oath deposes and says:

That she is (was) the owner of all or part of the oil, gas and other minerals in or under the lands referred to in that certain oil and gas mining lease dated the 12th, day of February, 1975, and which lease is recorded in Deed Book 446, at page 593 of the records of Marshall County, State of West Virginia, which lease covers the following described lands:

Tax map # 2 Parcel 14 in Cameron District, Marshall County, containing 59.33 acres.

That since the date of said lease there has been no well drilled upon said lands, nor any oil or gas produced therefrom.

That on or before the 20th day of August, 2009, under the terms of said lease, delay rentals were payable to affiant or to affiant's credit in the depository named in such lease on account of affiant's interest therein, the payment of which was necessary in order to keep the above lease in force and effect. Affiant hereby states that the above payment has never been made to affiant or to affiant's representatives, in money or otherwise, nor has same been deposited to affiant's credit in the depository bank.

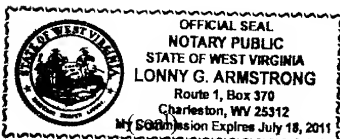
Affiant further states that said lease is not expired and that affiant will not, by acceptance of rentals, or in other manner, recognize the same as a valid and existing lease.

Further affiant sayeth not.

Stephen J. Berardi, Jr.
Stephen J. Berardi, Jr.

Subscribed and sworn to before me this 25th day of August, 2009.

Jan Pest
MARSHALL County 12:03:09 PM
Instrument No 1279210
Date Recorded 12/21/2009
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Book-Page 692-103
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Lonny G. Armstrong
Notary Public

My Commission Expires: July 18, 2011.Name Notary Public(print): Lonny G. Armstrong

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 25th day of August, 2009, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 25th day of November, 2009 at 12:03 o'clock P.M.

TESTE: Jan Pest Clerk.